REMARKS

Claims 1, 3, 5-9, and 11-15 are presented for further examination. Claims 1, 3, 5, 7, 8, and 12 have been amended. Claim 10 has been canceled in this amendment.

In the Office Action mailed December 24, 2009, the Examiner rejected claims 1, 3, 5-13, and 15 under 35 U.S.C. § 103(a) as obvious over previously-cited Issacman et al. (U.S. Patent No. 6,127,928) in view of previously-cited Streetman (U.S. Patent Publication No. 2004/0054570), and further in view of previously-cited Kato et al. (U.S. Patent Publication No. 2003/0014143). Claim 14 was rejected under 35 U.S.C. § 103(a) as obvious over Issacman in view of Streetman, in view Kato et al., and further in view of newly-applied Swift et al. (U.S. Patent Publication No. 2003/0187796).

Applicants respectfully request reconsideration and further examination of the claims.

Claim Rejections

Independent device claim 1 recites, *inter alia*, a transponder for use in delivering articles along a delivery route and configured to store and communicate information to transceivers as the transponder and an associated article move along the delivery route. The transponder stores and communicates information about the associated article regarding at least delivery cost, routing information, and purchase price to transceivers along the delivery route. In addition, the associated article is sorted and routed based on the information communicated from the transponder without accessing a database linked to the transceivers. More particularly, all sorting and routing is executed in response to communication from the transponder based on the routing information stored therein.

As previously argued, Issacman et al. describe a method and apparatus for locating and tracking documents in an enclosed environment, such as an office. (See col. 6, line 46-58.) Issacman et al. access a database that contains the identification codes and other data that enables identification of the documents that are read by a host transceiver. As the Examiner recognized, Issacman et al. do not disclose storing delivery cost or routing information along a delivery route.

Streetman utilizes a routing data consolidator 112 to consolidate shipment information from a shipment order database and other databases to generate consolidated shipment information to form logistics plans for shipping. (See Abstract and Figure 1.) The logistics plans are generated for shipment orders before the shipments leave the shipper. For example, the logistics plans can include two or more different shipment pickup locations and delivery locations. (See ¶ 29.) Nowhere does Streetman describe routing an article along a delivery route based on information stored in a transponder associated with the article. More particularly, Streetman does not reference RFID transponders.

The Examiner relies on the routing data consolidator and the routing engine of Streetman to disclose the delivery cost and routing information missing from Issacman et al. The routing data consolidator consolidates the shipment order information and the routing engine uses the consolidated shipment order information to form the logistic plans before delivery ever begins. Therefore, Streetman does not cure the deficiencies of Issacman et al. Neither Streetman nor Issacman et al. disclose transceivers along a delivery route to sort and route an associated article based on information stored and communicated only from an associated transponder.

In remarks accompanying the rejection, the Examiner acknowledges that Issacman et al. and Streetman do not disclose controlling sorting of the articles without reference to a database linked to the transceivers. The Examiner relies on Kato et al. as disclosing sorting packages according to the information in the labels on the packages.

However, Kato et al. utilizes a host computer 310 to instruct label readers 304 to sort items by various methods or to various locations, such as by overnight air delivery or to be sorted by zip code (See ¶¶ 26-29). "Thus, the first label reader may be instructed to pick up or select items whose addresses have zip codes starting with a 0, the second label reader 334(2) may be instructed to pick up or select items with addresses whose zip code starts with 1 and so on." (See ¶ 29.) The label readers are controlled by the host computer 310 and do not rely solely on the information stored in the labels on the packages. Nowhere does Kato et al. teach or suggest sorting and routing an article along a delivery route based on information communicated only from a transponder to a transceiver without reference to a database.

Therefore no combination of Issacman et al., Streetman, and Kato et al. teach or suggest routing an article along a delivery path using information from an associated transponder without reference to a linked database. The present claimed device is clearly more simplified than that disclosed by any of the three references or any combination thereof because the claimed transceivers operate independently, thus enabling them to be stationed remotely and without having access to a main or host computer.

Also, as before, Issacman et al. does not address routing and Streetman does not address using RFID technology. Neither reference addresses the ability to store the routing information on a transponder because both of these references rely heavily on database approaches. In other words, a larger system "look-up table" is required rather than the information used locally. Kato et al. teaches the access to a main computer coupled to the transceivers before the items are sorted.

Applicants further note that none of the references discuss or disclose the storing of purchase price or cost information along with sorting and routing information. The Examiner relies on Swift et al., cited against claim 14, as disclosing encoding a transponder with a purchase price.

Swift et al. is directed to a system for processing transponder based transactions. A transponder device is presented as payment for goods or services and is linked to a user's bank account for electronic debit. (See Abstract and ¶2, 43, and 95.) When the transponder is presented as payment of a purchase price, the transponder provides the user's bank account information to a transaction processor 115 that communicates with a clearinghouse system 125 to process the transaction. (See ¶67.) The purchase price is not stored in the transponder; rather, the purchase price is debited from an account associated with the transponder. Nowhere does Swift et al. teach or suggest storing purchase price in a transponder associated with an article for delivery that is configured to communicate information to a transceiver along a delivery path to sort and route the article without reference to a linked database.

In view of the foregoing, Applicants respectfully submit that independent claim 1 is clearly allowable over the combination of references cited by the Examiner inasmuch as the

combination of these references fails to teach or suggest the claimed combination recited in claim 1.

Independent system claims 3, 5, and 8 recite, *inter alia*, at least one transceiver configured to communicate with a predetermined group of transponder labels along a delivery route such that the deliverables associated with the predetermined group of labels are sorted and routed to a predetermined delivery path and all other deliverables are routed to a default path. The articles are sorted and routed based on the information communicated from the transponders.

Issacman et al. include a host transceiver 14 configured to transmit a first signal to a plurality of local exciter transmitters 18 positioned throughout the fixed environment. (See col. 7, lines 2-11.) The local exciter transmitters 18 transmit a second signal to a plurality of tags 20, which modulate the second signal directly to the host transceiver 14 bypassing the local exciter transmitters 18. (See col. 7, lines 13-22.) The described architecture of the apparatus is to eliminate a receiver and a transmitter in the local exciter. (See col. 4, lines 61-63.)

There is no teaching or suggestion in Issacman et al. of a predetermined group of labels that communicate with an associated transceiver along a delivery route to sort and route the deliverables to a predetermined delivery path. Rather, Issacman et al. merely determine a location of a file and do not provide any routing or sorting information for use along a delivery path.

Streetman utilizes a routing data consolidator 112 to consolidate shipment information from a shipment order database and other databases to generate consolidated shipment information to form logistic plans. (See Abstract and Figure 1.) There is no teaching or suggestion in Streetman for transceivers along a delivery path to communicate with transponders on deliverables to sort and route a group of deliverables associated with a predetermined group of transponder labels to a predetermined delivery path as all of the other deliverables are routed to a default path. As mentioned above, Streetman does not discuss RFID transponders.

The label readers of Kato et al. are controlled by the host computer 310 and do not rely solely on the information stored in the labels on the packages. For example, as shown in Figure 4, each label for each item is read by the label reader 304(1). The host computer 310

instructs the label reader 304(1) to select items having specific information stored in the label. Each of the label readers 304(n), 334(n) read every label in order to sort the items as indicated by the host computer 310.

Thus, any combination of Issacman et al., Streetman, and Kato et al. fails to teach or suggest at least one transceiver configured to communicate with a predetermined group of transponders along a delivery route such that the deliverables associated with the predetermined group of transponders are sorted and routed to a predetermined delivery path and all other deliverables are routed to a default path.

In view of the foregoing, Applicants respectfully submit that independent claims 3, 5, and 8, as well as all claims depending therefrom, are clearly allowable over the combination of references cited by the Examiner inasmuch as the combination of these references fails to teach or suggest the claimed combination recited in the above-mentioned claims.

Claim 12 and corresponding dependent claims 11-15 are directed to a method of routing and tracking deliverables that includes, *inter alia*, controlling the routing device with the control signal to route the deliverables along the delivery path without reference to a database by the transceiver and the routing device, such that the deliverables associated with the predetermined group of transponders are sorted and routed to a predetermined delivery path and all other deliverables are sorted and routed to a default delivery path. Applicants respectfully submit that Claims 12-15 are allowable for the reasons discussed above with respect to claims 3, 5, and 8.

Applicants submit an Applicant Initiated Interview Request Form with this amendment. In the event the Examiner disagrees with the arguments put forth herein, Applicants request an opportunity to discuss the linked database before the Examiner issues the next official communication. Also, if the Examiner finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact the applicants' undersigned representative by telephone at (206) 622-4900 in order to expeditiously resolve prosecution of this application. Consequently, early and favorable action allowing these claims and passing this case to issuance is respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Hayley J. Stevens/
Hayley J. Stevens
Registration No. 65,875

ERT/HJS:ks

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

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